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**THIRTY-SEVENTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 17, 2009**

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Acting Senator Sagness, absent and formally excused by the Chair; and Senators Coiner, Goedde, McKenzie, Schroeder, and Stegner, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Jaimie Schaneman, Page.

Senator Stegner was recorded present at this order of business.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 16, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 17, 2009

The JUDICIARY AND RULES Committee reports that [S 1102](#), [S 1103](#), [S 1104](#), [S 1105](#), [S 1106](#), [S 1107](#), [S 1108](#), [S 1109](#), [S 1110](#), [S 1111](#), [S 1112](#), [S 1113](#), [S 1114](#), [S 1115](#), [S 1116](#), [S 1117](#), and [S 1118](#) have been correctly printed.

DARRINGTON, Chairman

[S 1102](#), [S 1103](#), and [S 1104](#) were referred to the Transportation Committee.

[S 1105](#) and [S 1106](#) were referred to the Judiciary and Rules Committee.

[S 1107](#) and [S 1116](#) were referred to the Commerce and Human Resources Committee.

[S 1108](#), [S 1109](#), [S 1110](#), [S 1111](#), [S 1112](#), [S 1113](#), [S 1114](#), [S 1115](#), and [S 1117](#) were referred to the Health and Welfare Committee.

[S 1118](#) was referred to the State Affairs Committee.

February 16, 2009

The HEALTH AND WELFARE Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Carol Mascarenas to the Board of Environmental Quality, term to expire July 1, 2012.

Joan M. Cloonan to the Board of Environmental Quality, term to expire July 1, 2012.

LODGE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 17, 2009

The EDUCATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Kenneth Edmunds to the Board of Education, term to expire March 1, 2013.

GOEDDE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 17, 2009

The AGRICULTURAL AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Dwight Horsch to the State Soil Conservation Commission, term to expire July 1, 2013.

CORDER, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

Senators Goedde and Schroeder were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

February 16, 2009

Dear Mr. President:

I transmit herewith Enrolled [H 6](#) and [H 7](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 6](#) and [H 7](#) and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Coiner was recorded present at this order of business.

The President announced that [HCR 9](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Goedde, seconded by Senator Kelly, [HCR 9](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Don Dietrich was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Cameron, seconded by President Pro Tempore Geddes, the Gubernatorial appointment of Don Dietrich as Director of the Department of Commerce was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that [SCR 103](#) was before the Senate for final consideration.

Moved by Senator Broadsword, seconded by Senator Lodge, that [SCR 103](#) be adopted. The question being, "Shall the resolution be adopted?"

Roll call vote was requested by Senators Kelly, Werk, and Bilyeu.

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Lodge, McGee,

McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stegner, Winder. Total - 27.

NAYS—Bilyeu, Bock, Kelly, LeFavour, Schroeder, Thorson (Stennett), Werk. Total - 7.

Absent and excused—Sagness (Malepeai). Total - 1.

Total - 35.

Whereupon the President declared [SCR 103](#) adopted, title was approved, and the resolution ordered transmitted to the House.

At this time Senator Davis arose on a point of personal privilege to announce that a distinguished visitor had arrived, and the President appointed Senator Cameron, Chairman, and Senators Winder and Bilyeu to escort The Honorable Mike Crapo, United States Senator, into the Senate Chamber where he addressed the members of the Senate.

The President thanked Senator Crapo for his remarks and Senators Cameron, Winder, and Bilyeu escorted the Senator from the Chamber, and the Committee was discharged.

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Marsha H. Smith was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Kelly, seconded by Senator Davis, the Gubernatorial appointment of Marsha H. Smith as a member of the Public Utilities Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 80](#), by Appropriations Committee, was read the second time at length and filed for third reading.

[S 1005](#), as amended, and [S 1006](#), as amended, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[H 22](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis,

Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Sagness (Malepeai). Total - 1.

Total - 35.

Whereupon the President declared [H 22](#) passed, title was approved, and the bill ordered returned to the House.

[H 66](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Sagness (Malepeai). Total - 1.

Total - 35.

Whereupon the President declared [H 66](#) passed, title was approved, and the bill ordered returned to the House.

[H 67](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Sagness (Malepeai). Total - 1.

Total - 35.

Whereupon the President declared [H 67](#) passed, title was approved, and the bill ordered returned to the House.

[S 1073](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill

arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Call of the Senate was requested by Senators Davis, Hill, and Werk.

Whereupon the President ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present except Acting Senator Sagness, absent and formally excused by the Chair; and President Pro Tempore Geddes and Senator Stegner, absent and excused.

The President directed the Sergeant at Arms to find and present President Pro Tempore Geddes and Senator Stegner to the Senate.

President Pro Tempore Geddes and Senator Stegner were recorded present.

On request by Senator Davis, granted by unanimous consent, the Call was lifted.

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Sagness (Malepeai). Total - 1.

Total - 35.

Whereupon the President declared [S 1073](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:03 p.m. until the hour of 10:30 a.m., Wednesday, February 18, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary